

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: _____ **NWK** _____
FILE NUMBER: _____ **200600971** _____

REGULATORY PROJECT MANAGER: _____ **Luke M. Cory** _____ **Date:** 3 March 2006
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** Y (Y/N) **Date:** 3 March 2006
At the project site (Y/N) **Date:** _____

PROJECT LOCATION INFORMATION:

State: _____ **Kansas** _____
County: _____ **Marshall** _____
enter coordinates of site by latitude & longitudinal coordinates: _____ **Lat. 39-46-21 Long. 96-15-56** _____
Approximate size of site/property (including uplands & in acres): _____ **10 acres** _____
Name of waterway or watershed: _____ **Lower Big Blue (10270205)** _____

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	X								
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Artificial Wetlands									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: _____ **Preliminary** **Or** **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Site is shown as a blue line stream on the USGS Quad. map and site information provided by NRCS reported a defined stream channel within the JD area. The USGS Quad. map, the Marshall county road map, the NRCS soil survey for Marshall County, and site information provided by NRCS all document this channel ending approximately ½ mile away from the larger downstream tributary without flowing into any larger tributaries. This stream channel is located within an upland area with no hydrologic connection to waters of the U.S. and as a result determined to be an isolated stream.